

REMARKS

In the Office Action dated July 7, 2003, claims 14 and 16 stand rejected under 35 U.S.C. §112, first paragraph, for lack of written description. Claims 14 and 16 also stand rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,660,479 to May et al. (hereinafter "May") in view of Reexamination Certificate No. RE 33,674 to Uramoto (hereinafter "Uramoto").

In response, Applicants have amended claim 14, which when considered with the remarks set forth below are deemed to place the application in condition for allowance. Applicants have amended claim 14 to further specify that the lap or fin seal is separate and distinct from the sealed edges, which in turn are found at the top and the bottom of the package. Support for the sealed edges forming the top and the bottom of the package is found in Fig. 8 and in the specification at page 15, line 12-21. No new matter is being added. Claims 14 and 16 remain in the application for continued prosecution. Reconsideration of the application is respectfully requested.

Rejection under 35 U.S.C. §112, first paragraph

Claims 14 and 16 stand rejected for lack of written description since the Examiner contends that the specification does not adequately disclose sealed edges perpendicular to the zipper. See Office Action at page 2, last paragraph. However, the Examiner does state that the disclosure supports the perpendicular relationship. See Office Action at page 2, last paragraph.

In response, Applicants submit that the Examiner is a bit erroneous as to what seal is in a perpendicular relationship to the zipper. Claim 14 requires that the lap or fin seal be perpendicular to the zipper; not the sealed edges of the package that extend in the same direction as (i.e., parallel to) the zipper. In view of this confusion, Applicants have amended claim 14 to make clear that the lap or fin seal is separate and distinct from the sealed edges, which in turn

extend in the direction of the zipper and are located at the top and bottom of the package as shown in Fig. 8.

In addition, Applicants point out that a lap or fin seal perpendicular to the zipper is inherently disclosed by Applicants' description of the zipper being applied in the transverse direction. One skilled in the art will clearly recognize from Applicants' disclosure that a perpendicular lap or fin seal is the natural result of the zipper being applied transverse to the machine direction of the film. To illustrate this point, Applicants have attached as Exhibit A U.S. Patent No. 5,461,845 to Yeager (hereinafter "Yeager"). Yeager discloses in Fig. 4 zipper (26) being applied transverse to the machine direction of the film (55). The result of this transverse application is shown in Fig. 1, which shows the package (10) having sealed ends (20, 22) parallel to zipper (26) and lap or fin seal (24) being perpendicular to zipper (26). Thus, Applicants' limitation of a lap or fin seal perpendicular to the zipper has support in the disclosure as filed.

Rejection under 35 U.S.C. §103(a)

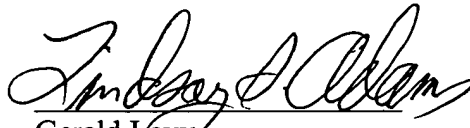
Claims 14 and 16 stand rejected as obvious over May in view of Uramoto. The Examiner states that May is silent regarding sealed edges or the lap or fin being perpendicular to the zipper. As a result, the Examiner relies on Uramoto which shows perpendicular side seals.

In response, Applicants respectfully submit that May in view of Uramoto does not render claims 14 and 16 obvious since the combination does not teach the claimed invention. As Applicants pointed out, the sealed edges of the claimed package are parallel to the zipper and not perpendicular to the zipper. The claimed package additionally requires a separate lap or fin seal that extends perpendicular to the zipper from the top to the bottom of the package. Both of these elements are missing from the combination of May and Uramoto. Uramoto discloses a package

made using a form fill and seal method where the zipper is applied in the machine direction. As a result, Uramoto does not teach or suggest a separate lap or fin seal extending perpendicular to the zipper from the top to the bottom of the package. Likewise, Uramoto does not teach or suggest more than one sealed edge extending in the direction of the zipper. Withdrawal of the rejection is respectfully requested.

Applicants do not believe that any fees are due with this amendment. However, if any additional fees are due, please charge such sums to our Deposit Account, 50-1145.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", written over a horizontal line.

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